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1614

TRANSMITTAL FORM

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		Application Number	08/648,392
		Filing Date	May 17, 1996
		First Named Inventor	Johnston William McAvoy
		Group Art Unit	1614
		Examiner Name	Z. Fay
Total Number of Pages in This Submission	3	Attorney Docket Number	UNSYD-39709

ENCLOSURES (check all that apply)

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Firm or Individual name	John V. Hanley, FULWIDER PATTON	
Signature		
Date	January 26, 2001	

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Johnston William McAvoy
and Coral Gwenda Chamberlain

Serial No.: 08/648,092

Filed: May 17, 1996

Title: A METHOD FOR PREVENTING
OR CONTROLLING CATARACT

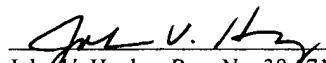
Date: January 26, 2001

Examiner: Z. Fay

Group Art Unit: 1614

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John V. Hanley, Reg. No. 38,471

RESPONSE TO FINAL OFFICE ACTION

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

On November 8, 2000, a final Office action was issued wherein pending claims 14-28 and 34-38 were rejected under 35 U.S.C. §103 as being unpatentable over Nagamoto and WO 91/04748. In rejecting the claims, the Examiner stated that the cited references teach the use of growth factor inhibitors in preventing fibrotic disease. In particular, the Examiner relied upon Nagamoto as teaching that "growth factor causes the fibrosis disorders such as secondary cataract." Moreover, it was stated in the outstanding Office action that "one skilled in the art would have been motivated to employ the teachings of the above references, since one relates to the effect of the inhibitors of the growth factor in treating fibrosis diseases and the other relates to the secondary cataract as a fibrotic disease."

It is respectfully submitted, however, that the Nagamoto reference relied upon in the outstanding Office action, namely Nagamoto et al., "Alfa Smooth Muscle Actin Expression in Cultured Lens Epithelial Cells," Investigative Ophthalmology & Visual Science, April 2000, Vol. 41, No. 5, pages 1122-1129, is not prior art to the present application. In fact, since the Nagamoto reference was published in about April 2000, it bears a date that is well after the priority date of the claims of the present application. Moreover, it is to be recognized that a copy of the Nagamoto reference was submitted to the USPTO as part of a response to the March 20, 2000 Office action for the purpose of providing an example of a published reference which uses the term "after cataract" or "after-cataract." To wit, a copy of the reference was filed in order to demonstrate to the Examiner that the meaning of the term "after cataract" or "after-cataract" would be clear to one of ordinary skill in the relevant field.

Accordingly, it is respectfully submitted that the §103 rejection of pending claims 14-28 and 34-38 set forth in the November 8, 2000 Office action should be withdrawn.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP


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